

Application No. 10/765,678
SD-7463

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REMARKS

SEP 11 2006

Claim Status:

- Claims 1-29 are pending.
- Claims 8-28 are cancelled.
- Claims 1-7 and 29 are rejected.

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Claim Amendments

- Claims 1-~~X~~⁴ and 6-7 are currently amended in this paper.

Claim RejectionsClaims 1-7 and 29

The Office rejected claims 1-7 and 29 under 35 USC §112, first paragraph, as adding new matter

In response, applicants have amended claims 1-7 and 29 to replace "comprising" with "consisting essentially of". The specification and claims as filed fully support this change, and no new matter has been added.

Claims 1-4, 6-7 and 29

The Office rejected claims 1-4, 6-7 and 29 under 35 USC §102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Nakagawa et al. (3,901,819).

In response, applicants amended claims 1-7 and 29 to replace "comprising" with "consisting essentially of".

The term "short-chained organic compounds that contain an ester bond" was deleted from the claims.

Also, the phrase "wherein said formulation does not comprise a solubilizing compound selected from the group consisting of a cationic surfactant, a cationic

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hydrotrope, and a fatty alcohol comprising 8-20 carbon atoms" was deleted from claims 1 and 6.

In claim 2, "ethanol" and "freeze-point depressant" was deleted.

In claim 3, "said freeze-point depressant comprises propylene glycol" was deleted.

Claim 4 was rewritten in independent form, including the limitations of base claim 1 (as currently amended).

In claim 7, benzalkonium chloride and propylene glycol were eliminated.

Claims 1-7 and 29, as currently amended, are now in condition for allowance.

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CONCLUSION

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Applicants have responded to the Final office action. Applicants submit that Claims 1-7 and 29, as currently amended, are now in condition for allowance.

The Office is authorized to charge Deposit Account # 19-0131 for any necessary fees regarding this response, including extensions of time and additional claim fees.

Respectfully submitted,

Robert D. Watson

Robert D. Watson
Reg. No. 45,604

Ph: (505) 845-3139
Fax: (505) 844-2829
e-mail: rdwatso@sandia.gov

Sandia National Laboratories
P.O. Box 5800 MS-0161
Albuquerque, NM 87185-0161

Customer No. 20567

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I hereby certify that this correspondence was transmitted via facsimile to the U.S. Patent and Trademark Office at phone number 571-273-8300 on Sept. 11, 2006.

Robert D. Watson

Robert D. Watson